



## CITY OF MIAMI GARDENS CITY COUNCIL MEETING AFTER ACTION SUMMARY

Meeting date: January 28, 2004  
Administrative Offices, Suite 201  
17801 NW 2<sup>nd</sup> Avenue, Miami Gardens, Florida  
Next Regular Meeting Date: February 11, 2004  
Phone: (305) 653-3944 Fax: (305) 653-3955  
Website: [www.miamigardens-fl.gov](http://www.miamigardens-fl.gov)  
Time: 7:00 p.m.

Mayor Shirley Gibson  
Vice Mayor Aaron Campbell  
Councilman Melvin L. Bratton  
Councilman Oscar Braynon, II  
Councilwoman Audrey J. King  
Councilwoman Sharon Pritchett  
Councilwoman Barbara Watson

#### 4. APPROVAL OF MINUTES:

##### 4A) Approve Minutes of City Council Meeting of:

Regular Council Meeting - December 10, 2003 – *Approved 7-0 vote.*

Regular Council Meeting - January 14, 2004 – *Approved w/corrections 7-0 vote*

#### 5. AGENDA/ORDER OF BUSINESS (ADDITIONS/DELETIONS/ AMENDMENTS):

*Moved by Councilman Braynon, seconded by Councilman Bratton to amend official Agenda by adding* AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO ENTERING INTO A NON-EXCLUSIVE FRANCHISE AGREEMENT WITH NUI UTILITIES, INC., D/B/A NUI CITY GAS COMPANY OF FLORIDA ALLOWING FOR THE USE OF PUBLIC RIGHTS OF WAY OF THE CITY OF MIAMI GARDENS, FLORIDA, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH THE FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; AND PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT, AND AN EFFECTIVE DATE *as Item 7B, and deleting Item 8B from the Agenda. Motion carried 7-0.*

#### 6. SPECIAL PRESENTATIONS:

*None.*

#### 7. ORDINANCES FOR FIRST READING:

- 7A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, PROVIDING FOR THE ISSUANCE OF SOLID WASTE FRANCHISE FOR COMMERCIAL AND MULTI-FAMILY RESIDENTIAL SOLID WASTE COLLECTION; PROVIDING FOR DEFINITIONS; IMPOSING A FRANCHISE FEE FOR COMMERCIAL AND MULTI-FAMILY RESIDENTIAL SOLID WASTE COLLECTION ACTIVITIES; AWARDING FRANCHISES TO CERTAIN PERMITTED PRIVATE HAULERS; PROVIDING FOR PENALTIES, SPECIAL ASSESSMENT LIEN PRIORITY; PROVIDING FOR REPEALER AND INCLUSION IN THE CODE, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE (SPONSORED BY MAYOR GIBSON)**

*Moved by Councilwoman Watson, seconded by Vice Mayor Campbell to approve this item on first reading, with second reading and public hearing scheduled for February 11, 2004. Motion passed by a 7-0 vote. (Councilman Bratton: Yes; Councilman Braynon: Yes, Vice Mayor Campbell: Yea; Councilwoman King: Yes; Councilwoman Pritchett: Yes; Councilwoman Watson: Yes; Mayor Gibson)*

**8. ORDINANCES FOR SECOND READING (PUBLIC HEARINGS):**

**ORDINANCE NO. 2004-18**

- 8A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO LOBBYING, ENTITLED “LOBBYIST REGISTRATION”; PROVIDING DEFINITIONS AND EXCLUSIONS; PROVIDING FOR REGISTRATION OF LOBBYISTS, DISCLOSURE OF MEETINGS WITH CITY PERSONNEL AND REPORTS ON EXPENDITURES; REQUIRING DISCLOSURE OF COMPENSATION OF LOBBYIST AND PROHIBITING CONTINGENCY FEES; CREATING PENALTIES FOR VIOLATIONS AND DEBARMENT; PROVIDING FOR APPEALS TO SPECIAL MASTER; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (SPONSORED BY COUNCILWOMAN WATSON) (1<sup>st</sup> Reading – January 14, 2004)**

*Moved by Councilwoman Watson, seconded by Councilman Braynon to adopt this ordinance. Motion passed by a 7-0 vote. (Councilman Bratton: Yes; Councilman Braynon: Yes, Vice Mayor Campbell: Yea; Councilwoman King: Yes; Councilwoman Pritchett: Yes; Councilwoman Watson: Yes; Mayor Gibson).*

- ~~**8B) AN ORDINANCE OF THE CITY OF MIAMI GARDENS, FLORIDA, PROVIDING FOR THE ISSUANCE OF GAS FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS OF SUCH FRANCHISE; PROVIDING FOR PAYMENT OF A FRANCHISE FEE; PROVIDING FOR**~~

~~INDEMNIFICATION; PROVIDING FOR INSPECTION OF BOOKS AND RECORDS; PROVIDING FOR ACCEPTANCE OF THE FRANCHISE; AND PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER) (1<sup>st</sup> Reading—January 14, 2004)~~

**9) PUBLIC COMMENT – 10 MINUTES**

**10) RESOLUTIONS:**

**RESOLUTION NO. 2004-67**

- 10A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO FINANCIAL SERVICES; APPROVING THE AGREEMENT BY AND BETWEEN THE CITY OF MIAMI GARDENS AND NEW COMMUNITY STRATEGIES; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AUTHORIZING CITY MANAGER TO DO ALL THINGS TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

*Moved by Councilman Bratton, seconded by Councilwoman Watson to approve this resolution.. Motion passed by a 5-2 vote. (Councilman Bratton: Yes; Councilman Braynon: No, Vice Mayor Campbell: Yea; Councilwoman King: Yes; Councilwoman Pritchett: No; Councilwoman Watson: Yes; Mayor Gibson).*

- 10B) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF MIAMI GARDENS AND WEED-A-WAY, INC. FOR LAWN MAINTENANCE, HAULING/DEBRIS REMOVAL AND JANITORIAL SERVICES, ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

- 10C) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF MIAMI GARDENS AND COOL KIDS LEARN, INC. FOR YOUTH PROGRAM MANAGEMENT SERVICES, ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE (SPONSORED BY THE CITY MANAGER)**

- 10D) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING A 457 RETIREMENT PLAN; EXECUTING A DECLARATION OF TRUST; PROVIDING FOR THE PLAN TO BE HELD IN TRUST FOR THE BENEFIT OF THE PARTICIPANTS; PERMITTING LOANS FROM THE PLAN TO PARTICIPANTS; AUTHORIZING CITY MANAGER TO BE PLAN COORDINATOR AND TO TAKE ALL NECESSARY ACTIONS TO EFFECTUATE THIS AGREEMENT; AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- 10E) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO AUDITING SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED ENGAGEMENT LETTER ON BEHALF OF THE CITY WITH RACHLIN COHEN & HOLTZ, LLP, TO PROVIDE AUDITING SERVICES TO THE CITY OF MIAMI GARDENS; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- 10F) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO ADVERTISING ON BUS BENCHES; AUTHORIZING THE MAYOR TO APPROVE THE ATTACHED AGREEMENT ON BEHALF OF THE CITY WITH BENCH ADS MANAGEMENT OF SOUTH FLORIDA, INC. TO PROVIDE BUS BENCHES AND SHELTERS TO THE CITY OF MIAMI GARDENS AND TO ADVERTISE ON SAME; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTIONS TO EFFECTUATE THIS AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- 10G) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A PERMIT WITH MIAMI-DADE COUNTY DEPARTMENT OF PARK AND RECREATION TO CONDUCT PRIVATE BUSINESS ON COUNTY PROPERTY; AUTHORIZING THE MAYOR TO SIGN SID PERMIT; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**
- 10H) A RESOLUTION OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO MEMBERSHIP IN THE FLORIDA RETIREMENT SYSTEM; DESIGNATING MEMBERS; PROVIDING A DECLARATION OF THE INTENT; DESIGNATING THE CITY MANAGER AS ADMINISTRATOR; PROVIDING FOR WITHHOLDING OF EMPLOYEE CONTRIBUTIONS; PROVIDING FOR CONTRIBUTIONS TO BE PAID; PROVIDING FOR APPROVAL OF AN AGREEMENT SETTING FORTH**

**TERMS AND CONDITIONS OF MEMBERSHIP; DESIGNATING THE CITY MANAGER AS CUSTODIAN OF FUNDS; AUTHORIZING THE MAYOR TO SIGN THE RESOLUTION AND AGREEMENT; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**10I) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REQUESTING SERVICES AND A FEE WAIVER FROM THE FLORIDA LEAGUE OF CITIES; AUTHORIZING THE MAYOR TO SIGN THE RESOLUTION; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**10J) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING A 401 MONEY PURCHASE PLAN; EXECUTING A DECLARATION OF TRUST; PROVIDING FOR THE CITY TO SERVE AS A TRUSTEE; PERMITTING LOANS FROM THE PLAN TO PARTICIPANTS; AUTHORIZING CITY MANAGER TO BE PLAN COORDINATOR AND TO TAKE ALL NECESSARY ACTIONS TO EFFECTUATE THIS AGREEMENT; AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

## **11. REPORTS OF CITY MANAGER**

## **12. REPORTS OF MAYOR AND COUNCIL MEMBERS**

**12A) GENERAL REPORTS FROM MAYOR AND COUNCIL MEMBERS**

**12A) Councilwoman Barbara Watson – Ex-parte communication on zoning matters.**

## **13. REQUESTS, PETITIONS & OTHER COMMUNICATIONS FROM THE PUBLIC:**

**13A) PUBLIC COMMENTS – 20 MINUTES**

## **14. SPECIAL PRESENTATION(S)**

## **15. ADJOURNMENT:**

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT WILLIAM GREEN (305) 653-3944, NOT LATER THAN 48 HOURS PRIOR TO SUCH PROCEEDING.

ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM MAY CONTACT WILLIAM GREEN (305) 653-3944.

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF MIAMI GARDENS WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

**Please turn-off all beepers and cellular telephones to avoid interrupting the council meeting.**